

CITY COUNCIL MINUTES
December 18, 2006

President Judi Mitten called the regular meeting of City Council to order at 7:30 p.m. in Council Chambers and upon roll call, members answered present as follows: Ansel, Breneman, Cavin, Griffin, Topovski, Ulbright.

Mr. Ansel moved, seconded by Mr. Breneman, to accept the December 4, 2006 minutes as received. Motion carried unanimously.

President asked the finance director to explain the award received by the city's finance department. Mr. Dordea stated that for the 26th consecutive year, the city of Wooster has received a certificate of achievement for excellence in financial reporting. We're very proud of that accomplishment.

Ms. Mitten stated that Chief Thornton had supplied city council with a listing of all the liquor permit holders in the city and the violations that have occurred in the past year at each location.

The following people spoke to city council during the public input portion of the meeting: Robin Rogers, 555 Eastwood Drive (renaming a portion of Route 30 to Martin Luther King, Jr. Way); Lydia Thompson, 1572 Lemar Drive (MLK Way); Jodi Starcher, 426 Barrett Circle (fuel-fired outdoor heating devices); Peggy Schmitz, 225 N. Market Street (outdoor heating devices); David Troyer, 8030 ? Road, Apple Creek (outdoor heating devices); Jay Sevenstar, formerly of 212 W. Liberty (new Wayne Co. public library).

Mr. Breneman stated that the finance committee had met twice since the last meeting; once on December 7 at 1:00 p.m. when we discussed the general fund; and this evening we met at 5:30 to discuss the hospital portion of the budget.

Mr. Ansel moved, seconded by Mr. Griffin, to bring off the table for further discussion Ordinance 2006-21 (being on third reading). Upon roll call, motion carried by a 5-1 vote; Mr. Ulbright casting the negative vote. Mr. Ansel moved, seconded by Mr. Topovski, to adopt. Mr. Ansel stated that in June, we proposed an ordinance to address the issue of outdoor wood burning stoves and rather than proceeding with that ordinance change that would have been initiated through a concern by Mr. Griffin, we agreed that we would ban all outdoor wood burning stoves for a period of six months while our committee did the research and reviewed other examples of ordinances and laws from other cities and states. After a number of meetings and reviewing dozens of proposed ordinances regarding these devices, we are bringing this off the table with amendments. Mr. Ansel also referred to an article he found on the internet at the New York Times website that summarized the finding of our committee. Mr. Ansel read a couple excerpts from the article (all members of council received copies of said article). A lengthy discussion followed on this issue. Note that Mr. Silvestri arrived at the meeting at 8:10 p.m. So that Mr. Silvestri could be briefed on the discussion prior to voting, a 5 minute recess was taken. Upon roll call, motion to adopt failed by a 4-3 vote as follows: Ansel-yes; Breneman-no; Cavin-no; Griffin-no; Silvestri-yes; Topovski-yes; Ulbright-no.

Ordinance No. 2006-55 appropriating from various funds to individual accounts for the current expenses and other expenditures for the City of Wooster for the Fiscal Year ending December 31, 2007, and declaring an emergency was read by title, being on third reading. Mr. Breneman moved, seconded by Mr. Griffin, to adopt. Mr. Breneman stated that we've been through this with numerous meetings and countless hours and he truly appreciated the time and energy put into reviewing the budget. It's probably one of the most important documents that we review and put into place as it guides us through the entire next year. Mr. Breneman stated the total amount of funds budgeted to run the city was \$161,220,557 and was made up primarily of three different funds – business/enterprise funds, general fund and the hospital fund. Mr. Breneman reviewed what comprised each fund and the amount appropriated for each fund. A short discussion followed and upon roll call, motion to adopt the ordinance carried unanimously.

Ordinance No. 2006-56 revising the authorized range of pay scales and benefits for hourly rated and salaried employees at Wooster Community Hospital, and repealing former ordinances, and declaring an emergency was read by title, being on second reading. Mr. Breneman moved, seconded by Mr. Ansel, to suspend the rules and place on third and final reading. Upon roll call, motion carried. Mr. Breneman moved, seconded by Mr. Griffin, to adopt. Mr. Breneman stated that this was the wage and salary plan given to us by the hospital and goes simultaneously with our city budget that was just adopted. The salary rates were within 1% of projected 2007 market averages and it affects non-management and management ranges. Upon roll call, motion to adopt carried unanimously.

Ordinance No. 2006-58 authorizing the City of Wooster to accept a gift of land from the Donald E. and Alice M. Noble Foundation was read by title, being on second reading. Mr. Ulbright moved, seconded by Ms. Cavin, to suspend the rules and place on third and final reading. Upon roll call, motion carried. Mr. Ulbright moved, seconded by Mr. Topovski, to adopt. Mr. Ulbright stated that he was thrilled to put this forth tonight for a final vote; however, in order to clarify a few things, he would ask Mr. Sigg to explain just exactly what the city's obligations will be if we accept this gift. Mr. Sigg stated that we have made a commitment to the Noble family foundation to develop this park but we haven't included anything in the budget for next year. We are anticipating going through the grant funding cycle but beyond that, we haven't made any commitments. At such a time as we would need funding, that would have to come before council. Hopefully, the grant process will provide the funding we need to establish this park. Mr. Malta stated that he felt they were in a good position to receive the grants; there's the Clean Ohio grant funding for \$1.5 million; Daryl Decker stated that AEP would help through their tree planting program, the US Fish and Wildlife has a wetlands and grasslands program and they're interested in helping us so we are pursuing as many avenues as we can for various resources. We're working to get in-kind monies to reduce the cost of developing this park as much as possible.

Dave Noble stated that he was a bit disturbed by what he was hearing. Everyone is trying to tell you that it's not going to cost too much money. This was a gift that was based on the notion that the city was accepting this with an obligation to develop it into the park as planned within three years. He wanted to make it clear that there was a definite obligation on the part of the city to

proceed and make it into a park and if you think you're not going to do that and don't want to step up to the obligation to do that, the Noble Foundation will just hold onto the land for a while.

Upon roll call, motion to adopt the ordinance carried unanimously.

Ordinance No. 2006-59 amending Chapter 945, Collection and Disposal of Waste Material and Recyclables, of the Codified Ordinances of the City of Wooster, Ohio, to prohibit the placement of solid waste by non-residents was read by title, being on second reading. Mr. Ansel moved, seconded by Mr. Ulbright, to suspend the rules and place on third and final reading. Upon roll call, motion carried unanimously. Mr. Ansel moved, seconded by Mr. Breneman, to adopt. Mr. Ansel reviewed the change to this ordinance which simply stated that no person shall place solid waste for collection that has not been actually generated at that service address. This will prohibit people from one address placing their trash at another address within the city. This was initiated because of complaints that had been registered and there were no enforcement criteria in place. This will allow fines to be issued for people breaking this law. Mr. Silvestri stated that he would not support this ordinance as written; he felt it was a bit extreme for us to require that no trash be moved from the address from which it was generated. If you're paying for trash pick-up and you're not at a given site, to save time, he didn't see any reason why a person couldn't transfer a bag of trash from one location to another location as long as they are paying for trash pick-up at both locations. He felt it should be reworded to state that no trash could be brought from outside the city limits to be picked up within the city of Wooster. Ms. Cavin thanked Mr. Ansel for bringing this forward as there had been problems in her ward with this and it needed to be addressed. Upon roll call, motion to adopt carried by a 6-1 vote; Mr. Silvestri casting the negative vote.

Ordinance No. 2006-61 determining to establish the name of a segment of U.S. Route 30 in the City of Wooster as Martin Luther King, Jr. Way, and appropriating funds for the signage thereof was read by title, being on first reading. Mr. Topovski stated that we heard earlier from numerous citizens expressing their delight that this was proceeding. This would remain on first reading tonight and would take it through three readings so that third reading would be on January 16, the day after the holiday that honors the birthday of Martin Luther King, Jr. Mr. Topovski stated that everyone should have received both a map showing the location of the route to be renamed as well as a rendering of what the sign would look like. The cost would be approximately \$3700 which would fund the cost of the sign which would be designed to meet ODOT specifications. A short discussion followed.

Ordinance No. 2006-62 amending the Annual Appropriation Ordinance was read by title, being on first reading. Mr. Breneman stated that from time to time we need to amend our annual appropriation ordinance and this being the last meeting of 2006, we have a few in front of us. Mr. Breneman moved, seconded by Mr. Silvestri, to suspend the rules and place on third and final reading. Upon roll call, motion carried. Mr. Breneman moved, seconded by Mr. Silvestri, to adopt. Mr. Breneman stated that this was the city's share of the replacement of the chiller that services the Wayne County Justice Center. The city's share of the cost was \$27,000 and was transferred from the general fund police cost center to the general fund interfund transfer cost center and from that to the capital improvements fund. Upon roll call, motion to adopt carried unanimously.

Ordinance No. 2006-63 amending the Annual Appropriation Ordinance was read by title, being on first reading. Mr. Breneman moved, seconded by Mr. Ansel, to suspend the rules and place on third and final reading. Upon roll call, motion carried. Mr. Breneman moved, seconded by Mr. Silvestri, to adopt. Mr. Breneman stated that this was a transfer of \$7500 from the general fund police cost center to the general fund ? transfer cost center and from that to the capital improvement fund for the purchase of five LED light bars for the police cruisers. Upon roll call, motion to adopt carried unanimously.

Ordinance No. 2006-64 amending the Traffic Control File to enact the recommendations of the Traffic Commission, and declaring an emergency was read by title, being on first reading. Mr. Topovski stated that this was just added to the agenda this evening; it was self explanatory as stated in the legislation for new traffic control devices that the traffic commission had recommended for installation. The area in question was Enterprise Parkway off Long Road; Merit Drive was the access from Route 585 to Enterprise Parkway and will service the area where the new building was taking place, namely Eldorado Stone and Compaq warehousing. The area was designed to minimize truck traffic on Long Road and from Enterprise Parkway onto Route 585. Mr. Topovski moved, seconded by Mr. Breneman, to suspend the rules and place on third and final reading. Upon roll call, motion carried unanimously. Mr. Topovski moved, seconded by Mr. Silvestri, to adopt. Upon roll call, motion to adopt carried unanimously.

Ordinance No. 2006-65 amending Ordinance No. 2006-31 by extending, for a limited period of time, the prohibition on the construction and/or installation of solid fuel-fired outdoor heating devices within the corporation limits, and declaring an emergency was read by title, being on first reading. President Mitten stated that prior to reading, Mr. Ansel had made a change to the legislation in Section 1, the date had been changed from "*February*" to "***July***." Mr. Ansel stated that we had spent a lot of time discussing this topic which coincides with the earlier discussion on the outdoor wood burning stoves. Mr. Ansel moved, seconded by Ms. Cavin, to suspend the rules and place on third and final reading. Upon roll call, motion carried. Mr. Ansel moved, seconded by Mr. Topovski, to adopt. Upon roll call, motion to adopt carried unanimously.

Resolution No. 2006-85 authorizing the Director of Administration to purchase items of specialized technology, to wit: digital camera systems and related equipment for the police division patrol vehicles, and declaring an emergency was read by title, being on first reading. Mr. Silvestri stated that this involved camera systems for various police cruisers and would change the system over from v-cast to digital video recording. The purchase of four cameras was a budgeted item. Mr. Silvestri moved, seconded by Mr. Griffin, to suspend the rules and place on third and final reading. Upon roll call, motion carried. Mr. Silvestri moved, seconded by Mr. Breneman, to adopt. Upon roll call, motion to adopt carried unanimously.

Resolution No. 2006-86 authorizing the Director of Finance to issue payment for services rendered under contract(s) with vendors or for services provided to the municipality, and declaring an emergency was read by title, being on first reading. Mr. Breneman moved, seconded by Mr. Griffin, to suspend the rules and place on third and final reading. Upon roll call, motion carried. Mr. Breneman moved, seconded by Mr. Ansel, to adopt. Mr. Breneman

stated that we all should remember Sunguard Bi-tech, Inc. where the city purchased software for financial reporting/training. Any purchase over \$3,000 needs a fiscal officer's certification for availability of funds and this one slipped through the cracks so now we have a bill that needs to be paid. Upon roll call, motion to adopt carried unanimously.

Miscellaneous

Lydia Thompson asked if the city could do anything about the property that looked like a dump located on the north side of Portage Road, just east of Melrose Drive. Ms. Mitten stated that it was in the township and the city couldn't do anything about it. Mayor Howey stated that we have received many complaints about the property but we have no jurisdiction there. Mrs. Thompson wanted to invite everyone that the African-American Women were hosting the first annual Dr. Martin Luther King, Jr. Fellowship Buffet being held January 12 at 6 p.m. at Memories Party and Conference Center. We give scholarships to students with the money generated from this event. Tickets were \$27.00 for adults.

Ms. Cavin stated that she appreciated all the work that was done by the laws and ordinances committee on the outdoor fuel burning furnaces and their willingness to look at all the issues that were raised. She could probably consider going along with a complete ban for that matter but she hoped council would possibly look at grandfathering existing structures with a change to the stack height rather than asking them to destroy something they already installed.

Mr. Topovski stated that tonight at 5:30 representatives from the Humane Society delivered information we requested on the past year's budgeting and what services they offered with the various funding sources they received. Mr. Topovski asked what was the status on the property out by the OARDC that the county had turned down for annexation into the City. Mr. Sigg stated that we had attended two meetings with the county commissioners; they were concerned with EMS services and we assured them that was not a problem as the city and Wooster Township has at least a 48 year old cooperative arrangement and that the chief would have no problem working out any agreement necessary. The chiefs have actually worked out such an agreement as far as who would be first responder to what area and the township trustees have passed a resolution at their meeting saying they were satisfied with that and the commissioners indicated to us that they would reconsider the annexation favorably at their meeting this week.

Mr. Griffin commented on the list provided by Chief Thornton of the police calls to various bars/restaurants in Wooster and the fact that calls had gone up 45% from last year which seemed like a big jump. Chief Thornton stated that the alarm calls were false alarms. Mr. Griffin asked if he would clarify "fights" and "assaults." Chief Thornton stated that this was the way calls were coded into the computer; if a person calls and says someone has been assaulted, that would be listed under assault. If they say we've got two guys fighting, it would be listed under fights, although the ultimate outcome may be the same.

Mr. Griffin stated that the January 16 date was important for another reason as well and he had passed it along to city council members. There's a program that will take place from May 6 through June 9, 2007 at the OSU ATI called "Embracing our Differences, Ohio" and you can find it on their website at EmbracingOurDifferencesOhio.org. The committee is seeking art

submissions which will be put on billboards for a 30 day display so that the community may see the artwork and the committee was also seeking quotations as to how people embrace the differences within our community.

Mr. Silvestri thanked Mr. Griffin for bringing up the report from Chief Thornton. He was very disappointed and disturbed at these numbers. He had hoped to see some of these numbers decrease this year rather than going up. It's something we need to take a look at because we're looking at trouble with the higher these numbers go. He will pursue this with the chief; it shouldn't go unchecked.

Mr. Ulbright asked the chief if he could give council a feel for the numbers, for example, if once you get past a certain number of calls, it becomes a real problem. Chief Thornton stated that the total number didn't really concern him; but when you get 25 assault calls or 25 fights, that's a whole different dynamic for the police department to respond to, so you have to look at the specific calls and not just the numbers. Mr. Ulbright brought up once more the lack of lighting at the corner of Oak Hill and Milltown Road and hoped that some resolution could be reached on providing some lights there.

Mr. Breneman stated that Mr. Dordea earlier had announced that the finance department had received the certificate of achievement for excellence in financial reporting and he just wanted to note once more that this was the highest form of recognition in the area of government accounting and financial reporting. This award was given by an organization that served approximately 16,000 government financial professionals; it's a very high honor for our city.

Mr. Ansel wished to extend a heartfelt thank you to each member of council, President Mitten and everyone within the city administration for the cooperation and support given to him his rookie year on council. After this year, he was no longer a rookie, had completed one year and he was very impressed with the cooperation and team work we have as council. He was proud of that and he thanked them and the citizens of Wooster for giving him this opportunity to serve. Happy Holidays to all and have a safe holiday!

President Mitten wished everyone a safe and happy holiday!

Mr. Ansel moved, seconded by Mr. Topovski, to adjourn. Motion carried and meeting so adjourned at 9:35 p.m.

Judith Mitten
President of Council

Sheila Stanley
Clerk of Council